



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING

*Promoting the wise use of land
Helping build great communities*

MEETING DATE August 1, 2014	CONTACT/PHONE Jo Manson (805) 781-4660 jmanson@co.slo.ca.us	APPLICANT Gerald P. Devine and Cathryn W. Kelley	FILE NO. COAL 14-0011 SUB2013-00048
SUBJECT Hearing to consider a request by GERALD P. DEVINE & CATHRYN W. KELLEY for a Lot Line Adjustment (COAL 14-0011) to adjust the lot lines between two parcels of approximately 19.49 and 19.53 acres each, resulting in two parcels with the same size (19.49 and 19.53 acres each) as the original parcels but different configuration of the shared lot line. The adjustment will result in two parcels of approximately 19.49 and 19.53 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Rural Lands land use category and is located at 3133 Upper Lopez Canyon Road, approximately 630.0 feet north of the intersection of Upper Lopez Canyon Road and Waters End Road, east of the village of Los Ranchos/Edna and east of the City of San Luis Obispo. The site is in the Los Padres Sub Area South in the South County planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 14-0011 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is exempt from and not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]			
LAND USE CATEGORY Rural Lands	COMBINING DESIGNATION Sensitive Resource Area	ASSESSOR PARCEL NUMBER 048-081-018 and -020	SUPERVISOR DISTRICT(S) : 4
PLANNING AREA STANDARDS: 22.100.020, Areawide Standards and 22.100.030, Sensitive Resource Area (SRA) – None applicable.			
LAND USE ORDINANCE STANDARDS: 22.22.050 – Subdivision design standards for the Rural Lands land use category			
EXISTING USES: Single-family residence, barn, carport, carport/RV parking			
SURROUNDING LAND USE CATEGORIES AND USES: North: Rural Lands / single family residences South: Rural Lands / single family residence, recreational camp ground East: Open Space / undeveloped West: Open Space / undeveloped			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health and South County Advisory Council			
TOPOGRAPHY: Level to steeply sloping		VEGETATION: Grasses, ornamentals, oak trees	
PROPOSED SERVICES: Water supply: Individual well system Sewage Disposal: Individual septic system Fire Protection: CAL FIRE		ACCEPTANCE DATE: June 5, 2014	

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
19.53 acres	19.53 acres
19.49 acres	19.49 acres

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The two (2) existing parcels are developed with a single family residence and carport on the 19.53 acre parcel, and a barn and a RV parking/carport on the 19.49 acre parcel. Residential access from Upper Lopez Canyon Road is located on both parcels. Proposed Parcel 1 will have the existing single family residence, existing carport and existing RV parking/carport. Proposed Parcel 2 will have the existing barn. The minimum parcel size as required in Section 22.22.050 for the Rural Lands land use category is one hundred and sixty (160) acres. Both of the existing and proposed parcel sizes do not meet the minimum parcel size of one hundred and sixty (160) acres.

The adjustment will result in the reconfiguration of the two parcels into two parcels to reflect the existing uses on the site and allow for an equal exchange of land. This exchange will maintain a position which is "equal to" the existing situation relative to the county's zoning and building ordinances. The proposed adjustment allows for the existing permitted RV parking/carport to be located on proposed Parcel 1, while allowing the required setback to be applied. The proposed lot line adjustment does not create more development potential than what exists today.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because both parcel sizes are below the minimum parcel size as set through the General Plan and both of the two adjusted parcels will remain so after the adjustment, staff has concluded that the proposed adjustment is equal to the existing lot line situation and is also consistent with both state and local law.

STAFF COMMENTS:

The existing RV parking/carport currently located on Ms. Kelley's property was permitted (PMT2007-00579). However, the building permit was processed by Mr. Devine and was intended to be located on his own property. Inadvertently the RV parking/carport was built on Ms. Kelley's property. The proposed new location of the property line located near and adjacent to the permitted RV parking/carport follows the location of an existing fence which had been believed to be the true original property line location by both property owners. The twelve (12)

foot high structure on the RV parking/carport meets the side setback requirement of three (3) feet for structures that are twelve (12) feet or less in height.

AGENCY REVIEW:

Public Works – Concurs with proposed adjustment. Recommend approval.

Environmental Health – Verify any existing water or septic systems remain on the parcel served and meet approved setbacks to new property lines. Existing water and septic systems do remain on the parcels served and meet approved setbacks to the new property lines.

South County Advisory Council – No comments

LEGAL LOT STATUS:

Each of the two existing parcels is a portion of Section 9 of Township 31 South, Range 14 East, Mount Diablo Base and Meridian and both were legally created by deed at a time when that was a legal method of creating parcels.

ATTACHMENTS

Attachment 1 - Findings

Attachment 2 - Conditions of Approval

Attachment 3 - Project Graphics

Attachment 4 - Project Referral Responses

Staff report prepared by Jo Manson and reviewed by Bill Robeson, Supervising Planner.